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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,421	08/02/2001	Taiwa Okanobu	7217/65190	6723

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COOPER & DUNHAM LLP
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New York, NY 10036

EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,421

Applicant(s)

OKANOBU, TAIWA

Examiner

William J. Deane

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001 and 04 Feb 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2 pages</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 4 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,292,232 (Oyagi).

With respect to claims 1 – 4, Oyagi teaches an antenna unit for use with a receiver (17), the antenna unit comprising an antenna (1), a high frequency amplifier (5), coaxial cable (2), an operating voltage (21) and a signal to control a gain (47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oyagi.

Oyagi teaches the claimed limitations except for explicitly teaching an attenuator circuit and a switching circuit, however, note Col. 3, lines 31 – 38. It appears that the

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amplifier switches back and forth between amplifying and attenuating, albeit, internally.

It would have been obvious to one of ordinary skill in the art to switch between amplifying and attenuating as taught by Oyagi (internally), as such would only entail bring the attenuating and switches internal to the amplifier to a position outside the amplifier.

With respect to claims 6, 12 note coaxial cable 2.

With respect to claims 7 and 8 - 9, note elements 21 and 47.

With respect o claim 10, Oyagi teaches the claimed limitations with the exception of explicitly teaching the second and third control signals. It appears from a fair reading that such is accomplished by elements 21 and 47. Even if this were not the case, it would have been obvious to one of ordinary skill in the art to duplicate the already shown control signal as many times as deemed necessary when the control signal falls below or goes above a predetermined threshold.

With respect to claims 11 and 13 – 14, note the above and Col. 3, line 53 – Col. 4, line 64 and the above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 6,181,201 (Black) – note Figs. and Abstract;

U.S. Patent No. 6,104,341 (Mita et al.) – note Figs. and Abstract;

U.S. Patent No. 5,966,638 (Mita et al.) – note Figs. and Abstract;

U.S. Patent No. 5,734,974 (Callaway, Jr. et al.) – note Figs. and Abstract; and


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U.S. Patent No. 4,592,093 (Ouchi et al.) – note Figs. and Abstract.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484.

In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

07Nov2005


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER